



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

MARCH 9, 2016

9:45 AM

Welcome!

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code
Chapter 18, Section 18-237
1290 N Ocean Blvd
John S. Page, Director of Planning, Zoning and Building

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #8-2015 WITH VARIANCE** The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as **201 Debra Ln.**, described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon]
[Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 5-2.]
Deferred from the December 9, 2015, January 13, 2016, and February 10, 2016, Town Council Meetings.
Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated March 2, 2016, from M. Timothy Hanlon.

John S. Page, Director of Planning, Zoning & Building

- b. **MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES** Request for Waiver of Construction Hours and Proposed Construction Management Agreement for Tunnel Project at 1520 South Ocean Boulevard. [Attorney: Francis X. J. Lynch]
Deferred from the February 10, 2016, Town Council Meeting.

John S. Page, Director of Planning, Zoning & Building

- c. **SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES** The application of Robert and Denise Benedickson; relative to property commonly known as **222 Seaspray Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish an existing 2,444 square foot residence with a 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section

of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% in lieu of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the January 27th meeting. Carried 7-0]

Deferred from the February 10, 2016, Town Council Meeting.

Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated February 19, 2016, from Maura A. Ziska.

John S. Page, Director of Planning, Zoning & Building

2. New Business

- a. **SITE PLAN REVIEW #02-2016** The application of Palm Beach Property LP (Samantha P. David, Agent); relative to property commonly known as **340 Royal Poinciana Way**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is seeking to modify the previously approved site plan approvals to correct the gross leasable area (GLA) of the Plaza; and thus the parking calculation of the Royal Poinciana Plaza. The 1979 Agreement and subsequent 1982 Fact Sheet Addendum represents that the Royal Poinciana Plaza has 141,187 SF of office and retail space, as well as several restaurant uses. The 1979 Agreement further stipulates that retail and office square footage shall be calculated at 1 parking space per 300 SF of GLA and restaurants are calculated at 1 parking space per 3 seats. Several changes have occurred since 1979 that have affected the overall square footage at the Plaza, including changes to the Slat House, common areas, and precise technology that allows property owners to accurately survey and calculate square footage. The applicant had a survey done of the property in 2015 and independent verification will confirm survey results to finalize the actual square footage for the Royal Poinciana Plaza. The correct square footage for office/retail GLA is 112,085 Sq. Ft. This does not include restaurant or theater requirements. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

- b. **SPECIAL EXCEPTION #06-2016** The application of Sant Ambroeus (Dimitri Pauli); relative to property commonly known as **340 Royal Poinciana Way, Suite 304**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is requesting a Special Exception approval to operate a 5,973 square foot, 120 seat restaurant which will feature upscale Italian cuisine. The proposed restaurant will be located in the northeast corner of the Plaza where a restaurant was previously approved; however, the proposed restaurant will have less square footage and less seats. The proposed hours of operation are

requested to be: Sunday through Thursday – Breakfast, Lunch and Dinner – 8:00 a.m. to 10:00 p.m. Friday and Saturday – Breakfast, Lunch and Dinner – 8:00 a.m. to 11:00 p.m. **The proposed restaurant is not to be open for lunch on the days that the theater has matinees** [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

- c. **SPECIAL EXCEPTION #05-2016 WITH SITE PLAN REVIEW** The application of Alex Gilmurray, CFO of The Breakers Palm Beach, Inc.; relative to property commonly known as **1 S. County Rd.**, described as lengthy legal description on file; located in the PUD-A Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish Building #4 (2,726 sf) in The Breakers maintenance complex near the west end of the Pine Walk and replace it with a new building of 3,581 sf. The building, which serves as the carpentry shop, will physically resemble the other buildings in the maintenance complex. [Attorney: James M. Crowley, Esq.]

John S. Page, Director of Planning, Zoning & Building

- d. **SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of 280 NCR, LLC; relative to property commonly known as **280 N. County Rd.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.] [Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 7-0]

Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated February 29, 2016, from Guy Rabideau.

John S. Page, Director of Planning, Zoning & Building

IX. ORDINANCES

A. First Reading

1. **ORDINANCE NO. 4-2016** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning; Article IV, Nonconformities,

Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning and Building

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information

Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item (s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.